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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

MEGHAN OPBROEK,

Plaintiff,

vs.

CITY OF PORTLAND, a municipal
corporation,

ZACHARY DOMKA, in his individual
capacity,

BRENT TAYLOR, in his individual capacity,

MARK DUARTE, in his individual capacity,
and

ERIK KAMMERER, in his individual capacity,

Defendants.

Case No. 3:22-cv-00610-JR

**DECLARATION OF MAYA RINTA IN
SUPPORT OF PLAINTIFF'S
RESPONSE TO DEFENDANT CITY OF
PORTLAND'S PARTIAL MOTION TO
DISMISS**

I, Maya Rinta, declare as follows pursuant to 28 USC 1746:

1. I am one of the attorneys for plaintiff in the above-referenced case.
2. I make this declaration in support of Plaintiff's Response to Defendant City of Portland's Partial Motion to Dismiss.
3. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of Plaintiff United States of America's Notice of Sixth Periodic Compliance Assessment Report and attachment submitted on June 30, 2022 in *United States of America v. City of Portland*, U.S. District Court Case No. 3:12-cv-02265-SI, ECF 292, 292-1. Citations to this document will refer to the original page numbering in ECF 292-1 document.
4. I have reviewed demonstrators' declarations submitted in the *Don't Shoot Portland* case, which include the following examples of PPB officers:
 - a. taking aim and firing flashbang grenades at protesters in retreat on June 25, 2020 (ECF 62, Declaration of Thaddeus O'Connell, ¶¶ 8, 9);
 - b. launching flashbang grenades at protesters who were moving in the direction officers were pushing them on May 31, 2020 (ECF 12, Declaration of Kevin Wilbanks, ¶ 14);
 - c. throwing flashbang grenades into a group of protesters who were chanting, singing, and yelling grievances on June 5, 2020; throwing flashbang grenades so close to protesters that they exploded underneath protesters' and/or declarant's feet on June 6, June 27, August 7, and August 9, 2020 (ECF 276, Declaration of Alexandra Johnson, ¶¶ 16, 18, 20, 22, 27, 28, 30);
 - d. firing flashbang grenades and other munitions directly into crowds of protesters on June 30, 2020 (ECF 123, Declaration of Colin Herring, ¶ 8);
 - e. shooting someone in the head with a flashbang grenade (ECF 61, Declaration of Mason Lake, ¶ 4);
 - f. directly hitting people with flashbang grenades while they were in the middle of a crowd chanting (ECF 266, Declaration of Chase Lingelbach, ¶ 12);
 - g. throwing flashbang grenades directly at people, one of whom was knocked unconscious (ECF 56, Declaration of Aubrey Danner, ¶ 9);

- h. launching a flashbang grenade at declarant's feet, with the grenade exploding a few feet away from him on July 3, 2020 (ECF 227, Declaration of Nicholas Roberts, ¶ 16);
 - i. hitting declarant in the leg with a flashbang grenade while declarant was in retreat with other demonstrators (ECF 49, Declaration of Camila Kaplan, ¶¶ 8, 9, 10); and
 - j. deploying a flashbang grenade in a "skipping stone" fashion, causing the grenade to hit the ground, bounce up, and explode on declarant's chest (ECF 258, Declaration of Benjamin Ficklin, ¶¶ 4, 5, 6, 7).
5. This case is in early stages of litigation.
6. The parties have not yet conducted an FRCP 26(f) conference; on November 21, 2022, Plaintiff's counsel asked Defendant City's availability for the conference and is awaiting response.
7. No document discovery has occurred in this case other than Plaintiff's voluntary production of medical information in response to the City's request; the City has not provided any documents or information to Plaintiff.
8. No depositions have been taken in this case.
9. Without thoroughly conducting discovery, including the depositions Defendant officers Domka, Taylor, Duarte, and Kammerer, PPB supervisors, and witnesses to Defendant's conduct and the events of the night, Plaintiff lacks essential facts from which to justify her opposition to Defendant's Motion, particularly if assuming Defendant City's proposed interpretation of ORS 30.265(6)(e) is accurate.

I swear or affirm under penalty of perjury the above is true and correct to the best of my knowledge.

Dated this 2nd day of December 2022.

s/ Maya Rinta
Maya Rinta, OSB No. 195058

Attorney for Plaintiff